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UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE DIVISION

UNITED STATES OF AMERICA,)	CASE NO. 5:19-CR-00046 BLF
)	
Plaintiff,)	STIPULATION TO CONTINUE TRIAL AND
)	ORDER
v.)	
)	
YVONNE LATTIMORE,)	
)	
Defendant.)	

Trial in the above-captioned case is set to begin with jury selection on January 6, 2023. On December 19, 2022, defense counsel informed the government and the Court that he had a medical emergency requiring a five-week recovery and would be unable to begin trial as scheduled. The parties

1 conferred on their availability to reschedule the trial.

2 The government is available to begin trial on any of the following dates:

- 3 • January 6, 2023 through February 27, 2023
- 4 • March 20, 2023
- 5 • May 8, 2023 through May 22, 2023
- 6 • After June 19, 2023

7 Defense counsel is available to begin trial on any of the following dates:

- 8 • March 20, 2023
- 9 • May 1, 2023 through June 5, 2023
- 10 • After June 26, 2023

11 Based on the availability of the parties and the Court, the earliest date available to begin trial is
12 May 8, 2023. The government agrees that a continuance is necessary in this matter and wishes defense
13 counsel a speedy recovery; however, it would prefer that an earlier trial date be set if possible. Given the
14 frequent changes in litigation schedules, the government therefore requests a status conference be set for
15 January 24, 2023 to determine whether an earlier trial date can be set.

16 The government and counsel for the defendant also agree that time be excluded under the Speedy
17 Trial Act so that defense counsel can continue to prepare for trial. For this reason, the parties stipulate
18 and agree that excluding time until May 8, 2023 or until the date of the new trial will allow for the effective
19 preparation of counsel. *See* 18 U.S.C. § 3161(h)(7)(B)(iv). The parties further stipulate and agree that
20 the ends of justice served by excluding the time from December 21, 2022 through May 8, 2023 from
21 computation under the Speedy Trial Act outweigh the best interests of the public and the defendant in a
22 speedy trial. 18 U.S.C. § 3161(h)(7)(A), (B)(iv).

23 The undersigned Assistant United States Attorney certifies that she has obtained approval from
24 counsel for the defendant to file this stipulation and proposed order.

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1 Dated: December 21, 2022

STEPHANIE M. HINDS
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2
3 /s/ Kelsey C. Davidson
4 KELSEY C. DAVIDSON
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7 /s/ Mike Hinkley
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9 Attorney for Defendant Yvonne Lattimore
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ORDER

For good cause, the Court continues the trial until May 8, 2023. A status conference is set for January 24, 2023 to determine if an earlier trial date may be set.

Additionally, based upon the facts set forth in the stipulation of the parties and for good cause shown, the Court hereby finds that failing to exclude the time from December 21, 2022 through May 8, 2023 would unreasonably deny defense counsel and the defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(7)(B)(iv). The Court further finds that the ends of justice served by excluding the time from December 21, 2022 through May 8, 2023 from computation under the Speedy Trial Act outweigh the best interests of the public and the defendant in a speedy trial. Therefore, and with the consent of the parties, IT IS HEREBY ORDERED that the time from December 21, 2022 through May 8, 2023 shall be excluded from computation under the Speedy Trial Act. 18 U.S.C. § 3161(h)(7)(A), (B)(iv).

IT IS SO ORDERED.

DATED: December 22, 2022


HONORABLE BETH L. FREEMAN
United States District Judge